

Received & Inspected

DEC - 3 2012

FCC Mail Room

DAVID GEORGE LUSICK
BLACKSTONE PARALEGAL
CQ# 3760

SCI-ALBION
10745 RT 18

ALBION P.A
16475-0002

Date: November 21, 2012

IN RE: INFORMATIONAL LETTER

TO: PAUL GAMBILL
PA PAROLE BOARD

STEWART GREENLEAF
STATE SENATOR

SHIRLEY SMEALE MOORE
DEPT OF CORRECTIONS

Dear Public Trust Officials,

Please find attached policies of visiting a loved one on a Funeral visit and grievances thereto.

On September 8, 2012 my brother Michael Lusick, died untimely at 40 yrs of age due to brain tumors. I processed an application to Warden Harlow to attend the viewing.

Mr Harlow did not respond to my application and the viewing came and passed before I found out through my counselor Mr Martin Mr harlow denied me. I was told I was non compliant with programs and had a misconduct history.

I spoke to Deputy Hall on two (2) occasions and told him that this is not the criteria for a visit under D.OC funeral visits. see exhibits attached.

Also, the recent senate bill 100 section 12 states "Facilitating visitation and maintenance of family relationships with respect to offenders by addressing obstacles such as travel, telephone costs, mail restrictions and restrictive visitations policies"

In an interview with Jet 24 Erie news Pa Parole member Paul Gambill stated: "There are individuals who can become productive citizens if given a second chance. It's all about second chances!"

I also filed a grievance that I have not been able to contact my family via phone to greave because there is no collect call system for inmates here at Sci-

Albion. I am approximately nine (9) hours away from home. (I reside in Bucks County) . I am six (6) years past my minimum release. I met all the criteria for a funeral visit to my beloved brother. I note that my father George Lusick passed away last year and did not attend that funeral.

My family was willing to pay all the cost associated with transportation and even contacted my counselor prior to my brothers death.

I believe this conduct is callous and indifference to the policies above and request an investigation into this matter.

I look forward to hearing from you soon!

Sincerely and Truly Yours,

/s/ D Lusick

EXHIBITS ATTACHED HERETO

DC-ADM 812, Inmate Visiting Privileges Procedures Manual
Section 5 – Private Viewings & Deathbed Visits

6. The Facility Manager/designee may contact a Community Corrections Center (CCC), Community Contract Facility (CCF), Pennsylvania State Police (PSP), local law enforcement agency, or any other entity near the location of the private viewing or a deathbed visit to gather information regarding potential risks that may be associated with transporting the inmate to the private viewing or a deathbed visit location.
7. The Facility Manager shall approve or deny the private viewing or deathbed visit.² The Facility Manager/designee shall notify the inmate of approval or denial of the private viewing or a deathbed visit and advise the inmate that he/she must make a choice between a private viewing or deathbed visit, if applicable. If approved, the Facility Manager/designee shall be responsible of notifying the Office of the Victim Advocate (OVA), via telephone, of the approval.
8. The Facility Manager/designee shall make security and other arrangements with the funeral home, hospice, hospital, or nursing home for the viewing or visit. In the case of a private viewing, the maximum time an inmate is allowed at the private viewing is one-hour. This time must be prearranged with the funeral home director and it must be at a time when access by the general public is restricted. In the case of a deathbed visit, the visit must be conducted in accordance with the visiting hours and regulations of the hospice, hospital, or nursing home. If the length of visits is not defined by the hospice, hospital, or nursing home, the inmate will be permitted a maximum of one hour in which to visit.
9. In the event that the location of the private viewing or deathbed visit is closer to a facility other than the one in which the inmate is housed, and time permitting, a temporary transfer of the inmate to the closer facility may be considered. If such a transfer is considered, both Facility Managers (sending/receiving facility) must approve the inmate's attendance at the private viewing or deathbed visit.
10. Staff escorting the inmate shall be attired in accordance with Department policy 6.2.4, **"Uniform Regulations."** The inmate will be transported in state issued cocoa brown clothing and the transport will be conducted in accordance with Department policy 6.3.1, **"Facility Security."** A determination shall be made prior to the transport if the inmate will miss a scheduled meal. In the event a scheduled meal would be missed, arrangements are to be made to provide the inmate with a bagged meal and a beverage for consumption during the transport.
11. A court order is not necessary for an inmate to attend a private viewing or deathbed visit. Any orders directing that an inmate be permitted to attend a private viewing or deathbed visit should be referred to the Office of Chief Counsel.
12. The Facility Manager shall ensure that the OVA is notified of the approval of each private viewing or deathbed visit in accordance with Department policy 1.2.1, **"Victim Services."**

² 4-4445

DC-804
Part 1
Rev 9/2010

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE <u>42512</u> GRIEVANCE NUMBER
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OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY:	DATE: <u>11/27/12</u>
FROM: (INMATE NAME & NUMBER)	SIGNATURE OF INMATE:	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT:	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8½" x 11" page). State all relief that you are seeking.

The grievance is that I was placed in the same cell as a violent inmate who was a known threat to the staff and inmates. I was placed in the same cell as this inmate for several months and I was constantly being threatened and harassed. I was also being forced to share my cell with this inmate and I was not allowed to leave the cell. I was also being forced to share my cell with this inmate and I was not allowed to leave the cell. I was also being forced to share my cell with this inmate and I was not allowed to leave the cell.

B. List actions taken and staff you have contacted, before submitting this grievance.

I have contacted the facility grievance coordinator and the warden. I have also contacted the staff members who were involved in the grievance. I have also contacted the staff members who were involved in the grievance.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return Copy

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <i>Counselor Martin</i> <i>E Block</i>	2. Date: <i>OCT 10, 2012</i>
3. By: (Print Inmate Name and Number) <i>DAVID LUSIK</i> <i>CQ 3760</i> Inmate Signature	4. Counselor's Name <i>S2me</i> 5. Unit Manager's Name <i>Bentley</i>
6. Work Assignment <i>GLP</i> <i>EB-1030</i>	7. Housing Assignment <i>EB-1030</i>
8. Subject: State your request completely but briefly. Give details. <i>Sir,</i> <i>I am trying to call my mother.</i> <i>I don't know why I am unable</i> <i>to contact her. Please see attached</i> <i>Can you please figure out what</i> <i>is going on? And please</i> <i>return attached paper</i>	
9. Response: (This Section for Staff Response Only) <i>It is my understanding that they need to</i> <i>contact Global Link at 1-888-385-9366 and</i> <i>set up a account. If they have an account</i> <i>they will need to contact them to see what</i> <i>the issue is.</i>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

Print

Sign

Date

Revised July 2000

Martin, *all my cells* *11/15/12*

If it is a phone card issue fill in a
new phone discrepancy form. *(P)*

Telephone System Discrepancy Form

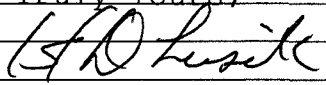
Inmate Name: <u>David Lusik</u>	Inmate Number: <u>C03760</u>
Inmate Housing Unit/Cell Number: <u>J A 1007</u>	
All information must be completely filled in. Please be specific.	
Telephone Number Called: <u>639 2241</u>	Inmate Telephone Used: <u>all of them</u>
Time and Date of Call: <u>7/14/11</u> <u>7/14/2011</u>	
State exact nature of problem and/or concern: (Please print)	
<p><i>I have attempted to place collect calls to my mother. I hear her voice pick up the phone. But then it is disconnected and a recording states I must have SW account to make any calls. I don't understand.</i></p>	
<p>Please be advised that the following are some reasons that your call may be disconnected:</p> <ul style="list-style-type: none"> a. Other party accepts a call waiting tone; b. Other party trying to make a three-way call; c. Playing with the buttons, switch hook or receiver during your call; d. Answering machines; e. All 800, 888, and 900 numbers; and f. Any number that does not allow collect calls. 	

Signature: _____

15/ David Lusik

Date: _____

7/22/11

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) Mr Petrov Counselor	2. Date: 7-18-2011
3. By: (Print Inmate Name and Number) Mr David Lusik _____ CO#3760 _____ Inmate Signature	4. Counselor's Name same 5. Unit Manager's Name
6. Work Assignment Unassigned	7. Housing Assignment J-A 1007
8. Subject: State your request completely but briefly. Give details.	
Sir,	
I have attempted to make two(2) collect phone calls to my mother but the phone system is not processing my calls. Please either allow me to place a call from your office or investigate further why my collect calls are not being processed.	
Sincerely and Truly Yours,	
	
9. Response: (This Section for Staff Response Only)	
<i>Forwarded to Mr Vegas 7/19/11</i>	
<i>You need to fill out a phone discrepancy form or your mother may need to call 1-800-385-9366 to set up an account -</i>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name _____ Print _____ Sign _____ Date _____

DC-804
Part 1

E/A
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY
481215
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY:	DATE:
FROM: (INMATE NAME & NUMBER)	SIGNATURE of INMATE:	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT:	
INSTRUCTIONS: 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.		
A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.		
B. List actions taken and staff you have contacted, before submitting this grievance.		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

GRIEVANCE Appeal # 429215

Date: October 28, 2012

To: Warden Harlow

It is quite difficult to comprehend the cause of how my request to attend a funeral visit to my brother Michael Lusick untimely and tragic death could have been denied by Warden Harlow and subsequent grievance upheld by Unit Mgr Bentley.

Records show I have maintained Misconduct free Behaviour since arriving at SCI-Albion in 2010 over a year ago. Mr Bentley's findings are not credible.

Second, program compliance is not a criteria of protocol to deny a funeral visit. Mr Bentley's findings are disingenuous and not credible.

It appears there has been a token denial to my request for an explanation. My mother had contacted my counselor Mr Martin two weeks prior to his passing and also arranged to pay for my transportation for a funeral visit.

If there is no protocol or policy being followed by officials providing for inmates to have a funeral visit to a loved one then how is that helping to rehabilitate inmates?

David Lusick

CQ3760

FB-1630